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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,536	01/23/2004	Sang Woon Suh	1740-000044/US	4973
30593 7590 11/19/2007 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER LANIER, BENJAMIN E	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/762,536

Applicant(s)

SUH ET AL.

Examiner

Benjamin E. Lanier

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7 and 12-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,12-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 06 September 2007 amends claims 1, 3, 4, 7, 13, 19, 24, 30, and 36. Claims 2, 5, 6, 8-11, 41-48 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to the Suzuki reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Newman, U.S. Patent No. 6,353,890, in view of Timmermans, U.S. Patent No. 5,737,286.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claim essentially recites, "the copy protection indicating information signifies to a reproducing apparatus to reproduce the data directly without utilizing the copy protection information," which renders the claims indefinite because the copy protection information is clearly being utilized by "a reproducing apparatus" if the reproducing apparatus knows what "copy protection indicating information signifies."

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 3, 4, 7, 12-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, U.S. Patent No. 6,353,890, in view of Timmermans, U.S. Patent No. 5,737,286.

Referring to claims 1, 3, 7, 13, 30, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of a lead-in area storing copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within control information recorded in the lead-in area of the computer readable medium. Newman does not disclose storing the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an optical disc with

a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 4, 14-18, 31-35, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the copy protection indicating information signifies to a reproducing apparatus to reproduce the data based on the copy protection information if the copy protection indicating information indicates the computer readable medium contains copy protection information, reproducing the data utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or reproducing the data directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in encrypting/decrypting the data, detecting the copy protection information and reproducing the data utilizing the detected copy protection information if the copy protection information is active, decrypting the data utilizing the copy protection information.

Referring to claims 12, 15, Timmermans discloses that the decryption key is stored in the track wobble using modulation (Col. 7, lines 12-17), which meets the limitation of the copy protection indicating information and/or the copy protection information are recorded by a phase modulation method, the reproducing includes detecting bi-phased modulated data and detecting the copy protection information using the bi-phased modulated data if the recording medium

contains copy protection information for use in encrypting/decrypting the data based on the copy protection indicating information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 19-21, 36-38, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of detecting copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within control information recorded in the lead-in area of the computer readable medium, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information. The access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of playing the data utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or playing the data directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in decrypting the data, based on the detected copy protection indicating information. Newman does not disclose storing

the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an optical disc with a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 22, 23, 39, 40, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the recording medium contains copy protection information for use in encrypting/decrypting the data when the copy protection indicating information indicates the recording medium contains copy protection information and a value of the copy protection information indicating that copy protection information is present, said playing includes decrypting the data utilizing the copy protection information.

Referring to claim 24, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of utilizing copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within

control information recorded in the lead-in area of the computer readable medium, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information. The content can be recorded on an optical disc (Col. 4, lines 17-45), which meets the limitation of recording the data based on the copy protection information. Newman does not disclose storing the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an optical disc with a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 25-29, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the data may be recorded utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or the data may be recorded directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in encrypting/decrypting the data, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information wherein the recording records the data without encryption, the recording medium



does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium contains copy protection information, but a value of the copy protection information indicates that copy protection information is not present, wherein the recording records the data without encryption, the recording medium contains copy protection information for use in encrypting/decrypting the data when the copy protection indicating information indicates the recording medium contains copy protection information and a value of the copy protection information indicates that copy protection information is present, wherein the recording records the data encrypted utilizing the copy protection information, encrypting the data utilizing the copy protection information precedes recording of the data.

### *Conclusion*

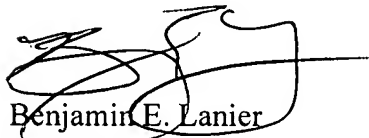
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Benjamin E. Lanier  
Primary Examiner